

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

STANLEY BEATY, *et al.*,

Plaintiffs,

v.

**THE HILLSHIRE BRANDS COMPANY,
et al.,**

Defendants.

§
§
§
§
§
§
§
§
§
§

Civil Action No. 2:14-CV-58-JRG

JURY TRIAL DEMANDED

THIRD AMENDED DOCKET CONTROL ORDER

In accordance with the scheduling conference held in this case, it is hereby ORDERED that the following schedule of deadlines is in effect until further order of this Court:

Remaining Dates	Amended Dates	Event
	December 14, 2015	Second Bellwether Trial Jury Selection – 9:00 a.m. in Marshall, Texas before Judge Rodney Gilstrap.
	December 1, 2015	Pretrial Conference for Second Bellwether Trial – 9:00 a.m in Marshall, Texas before Judge Rodney Gilstrap.
	November 25, 2015	File Joint Pretrial Order, Joint Proposed Jury Instructions and Form of the Verdict for Second Bellwether Trial

Remaining Dates	Amended Dates	Event
	November 25, 2015	<p>File Motions <i>in Limine</i> for Second Bellwether Trial</p> <p>The parties are ordered to meet and confer on their respective motions <i>in limine</i> and advise the court of any agreements in this regard by 1:00 p.m. three (3) business days before the pretrial conference. The parties shall limit their motions <i>in limine</i> to those issues which, if improperly introduced into the trial of the case would be so prejudicial that the court could not alleviate the prejudice with appropriate instruction(s).</p>
	November 25, 2015	<p>File Notice of Request for Daily Transcript or Real Time Reporting for Second Bellwether Trial.</p> <p>If a daily transcript or real time reporting of court proceedings is requested for trial, the party or parties making said request shall file a notice with the Court and e-mail the Court Reporter, Shelly Holmes, at shelly_holmes@txed.uscourts.gov.</p>
	November 23, 2015	Pretrial Objections due for Second Bellwether Trial
	November 20, 2015	Pretrial Disclosures due for Second Bellwether Trial
	November 19, 2015	Mediation to be completed
	November 19, 2015	Defendant to Identify Trial Witnesses for Second Bellwether Trial
	November 17, 2015	Plaintiff to Identify Trial Witnesses for Second Bellwether Trial
	November 9, 2015	First Bellwether Trial Jury Selection – 9:00 a.m. in Marshall, Texas before Judge Rodney Gilstrap.
April 28, 2015	October 26, 2015	Pretrial Conference for First Bellwether Trial – 9:00 a.m in Marshall, Texas before Judge Rodney Gilstrap.

Remaining Dates	Amended Dates	Event
April 6, 2015	October 12, 2015	File Joint Pretrial Order, Joint Proposed Jury Instructions and Form of the Verdict for First Bellwether Trial.
April 6, 2015	October 12, 2015	File Motions <i>in Limine</i> for First Bellweather Trial The parties are ordered to meet and confer on their respective motions <i>in limine</i> and advise the court of any agreements in this regard by 1:00 p.m. three (3) business days before the pretrial conference. The parties shall limit their motions <i>in limine</i> to those issues which, if improperly introduced into the trial of the case would be so prejudicial that the court could not alleviate the prejudice with appropriate instruction(s).
April 6, 2015	October 12, 2015	File Notice of Request for Daily Transcript or Real Time Reporting for First Bellwether Trial. If a daily transcript or real time reporting of court proceedings is requested for trial, the party or parties making said request shall file a notice with the Court and e-mail the Court Reporter, Shelly Holmes, at shelly_holmes@txed.uscourts.gov.
April 6, 2015	October 12, 2015	Pretrial objections due for First Bellwether Trial
March 19, 2015	October 5, 2015	Pretrial disclosures due for First Bellwether Trial

Remaining Dates	Amended Dates	Event
	September 21, 2015	As related to Plaintiffs joined after April 13, 2015, Response to Dispositive Motions (including <i>Daubert</i> Motions). ¹ Responses to dispositive motions filed prior to the dispositive motion deadline, including <i>Daubert</i> Motions, shall be due in accordance with Local Rule CV-7(e). Motions for Summary Judgment shall comply with Local Rule CV-56.
	September 7, 2015	As related to Plaintiffs joined after April 13, 2015, Deadline for Filing Dispositive Motions and any other motions that may require a hearing; including <i>Daubert</i> motions.
	September 11, 2015	Defendant to Identify Trial Witnesses for First Bellwether Trial
	September 7, 2015	Plaintiff to Identify Trial Witnesses for First Bellwether Trial
	September 4, 2015	Defendant to Answer Amended Pleadings
	September 1, 2015	Mediation to be completed
	August 28, 2015	Amend Pleadings (It is not necessary to file a Motion for Leave to Amend before the deadline to amend pleadings. It is necessary to file a Motion for Leave to Amend after the amended pleadings date set forth herein).
	August 28, 2015	Discovery Deadline related to Plaintiffs joined after April 13, 2015.
	August 14, 2015	Deadline to File Motions to Compel Regarding Discovery Disputes related to Plaintiffs joined after April 13, 2015

¹ The parties are directed to Local Rule CV-7(d), which provides in part that “[i]n the event a party fails to oppose a motion in the manner prescribed herein the court will assume that the party has no opposition.” Local Rule CV-7(e) provides that a party opposing a motion has 14 days, in addition to any added time permitted under Fed. R. Civ. P. 6(e), in which to serve and file a response and any supporting documents, after which the court will consider the submitted motion for decision.

Remaining Dates	Amended Dates	Event
	August 14, 2015	As to Plaintiffs joined after April 13, 2015: Defendant to Designate Expert Witnesses regarding Plaintiffs' economic damages or medical conditions; Expert Reports Due Refer to Local Rules for required information.
	July 22, 2015	As to Plaintiffs joined after April 13, 2015: Plaintiff to Designate Expert Witnesses regarding Plaintiffs' economic damages or medical conditions; Expert Reports Due Refer to Local Rules for required information.
	July 22, 2015	As to Plaintiffs joined after April 13, 2015, privilege Logs to be exchanged by parties (or a letter to the Court stating that there are no disputes as to claims of privileged documents).
	July 15, 2015	Deadline to Join Parties who are currently before the EEOC
	April 17, 2015	As to Plaintiffs joined prior to April 13, 2015, Response to Summary Judgment Motions Due
April 9, 2015	April 20, 2015	Reply to Plaintiffs' Response to Defendant's Motion to Exclude the Opinions and Testimony of Plaintiffs' Expert Jerry Lauderdale

Remaining Dates	Amended Dates	Event
March 19, 2015	March 30, 2015	Response to Dispositive Motions (including <i>Daubert</i> Motions). ² Responses to dispositive motions filed prior to the dispositive motion deadline, including <i>Daubert</i> Motions, shall be due in accordance with Local Rule CV-7(e). Motions for Summary Judgment shall comply with Local Rule CV-56.
March 9, 2015	March 20, 2015	Deadline for Filing Dispositive Motions and any other motions that may require a hearing; including <i>Daubert</i> motions.
March 9, 2015	March 20, 2015	Defendant to Identify Trial Witnesses
March 4, 2015	March 16, 2015	Plaintiff to Identify Trial Witnesses
March 9, 2015		Defendant to Answer Amended Pleadings
March 4, 2015		Mediation to be completed
February 27, 2015		Amend Pleadings (It is not necessary to file a Motion for Leave to Amend before the deadline to amend pleadings. It is necessary to file a Motion for Leave to Amend after the amended pleadings date set forth herein).
February 23, 2015	March 13, 2015	Discovery Deadline
March 2, 2015		Deadline to File Motions to Compel Regarding Discovery Disputes.
January 19, 2015		Defendant to designate Expert Witnesses Expert witness report due Refer to Local Rules for required information

² The parties are directed to Local Rule CV-7(d), which provides in part that “[i]n the event a party fails to oppose a motion in the manner prescribed herein the court will assume that the party has no opposition.” Local Rule CV-7(e) provides that a party opposing a motion has 14 days, in addition to any added time permitted under Fed. R. Civ. P. 6(e), in which to serve and file a response and any supporting documents, after which the court will consider the submitted motion for decision.


Remaining Dates	Amended Dates	Event
December 2, 2014		Plaintiff to Designate Expert Witnesses Expert witness report due Refer to Local Rules for required information
November 13, 2014		Privilege Logs to be exchanged by parties (or a letter to the Court stating that there are no disputes as to claims of privileged documents).
October 20, 2014		Join Additional Parties

OTHER LIMITATIONS

1. All depositions to be read into evidence as part of the parties' case-in-chief shall be **EDITED** so as to exclude all unnecessary, repetitious, and irrelevant testimony; **ONLY** those portions which are relevant to the issues in controversy shall be read into evidence.
2. The Court will refuse to entertain any motion to compel discovery filed after the date of this Order unless the movant advises the Court within the body of the motion that counsel for the parties have first conferred in a good faith attempt to resolve the matter. See Eastern District of Texas Local Rule CV-7(h).
3. The following excuses will not warrant a continuance nor justify a failure to comply with the discovery deadline:
 - (a) The fact that there are motions for summary judgment or motions to dismiss pending;
 - (b) The fact that one or more of the attorneys is set for trial in another court on the same day, unless the other setting was made prior to the date of this order or was made as a special provision for the parties in the other case;
 - (c) The failure to complete discovery prior to trial, unless the parties can demonstrate that it was impossible to complete discovery despite their good faith effort to do so.
4. Mediation shall be attended, in person, by named parties (if an individual) or by a fully authorized representative (if not an individual) and by lead counsel. Third party insurance carriers who may be obligated to indemnify a named party and/or who owe a defense to any party shall also attend mediation, in person, by means of a fully authorized representative. Non-compliance with these directives shall be considered an intentional failure to mediate in good faith.

5. Any motion to alter any date on the DCO shall take the form of motion to amend the DCO. The motion to amend the DCO shall include a proposed order that lists all of the remaining dates in one column (as above) and the proposed changes to each date in an additional adjacent column (if there is no change for a date the proposed date column should remain blank or indicate that it is unchanged). In other words, the DCO in the proposed order should be complete such that one can clearly see all the remaining deadlines and the changes, if any, to those deadlines, rather than needing to also refer to an earlier version of the DCO.

So ORDERED and SIGNED this 20th day of April, 2015.



RODNEY GILSTRAP
UNITED STATES DISTRICT JUDGE